

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0504.01 Christy Chase x2008

HOUSE BILL 23-1031

HOUSE SPONSORSHIP

Story and Willford, Amabile, Boesenecker, English, Epps, Froelich, Garcia, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, Michaelson Jenet, Titone, Valdez

SENATE SPONSORSHIP

Winter F.,

House Committees

Public & Behavioral Health & Human Services

Senate Committees

Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING AN EXEMPTION FOR MENTAL HEALTH PROFESSIONALS**
102 **FROM REQUIREMENTS TO REPORT INFORMATION ABOUT**
103 **INDIVIDUALS WITH A SEXUALLY TRANSMITTED INFECTION TO**
104 **PUBLIC HEALTH ENTITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, every health-care provider is required to report specified information about an individual known to the provider to have a diagnosis of or a positive test for a sexually transmitted infection to the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
March 14, 2023

HOUSE
3rd Reading Unamended
February 13, 2023

HOUSE
Amended 2nd Reading
February 10, 2023

department of public health and environment or a local public health agency. The bill exempts mental health professionals from this reporting requirement.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-4-402, **add** (7.5)
3 as follows:

4 **25-4-402. Definitions.** As used in this part 4:

5 (7.5) "MENTAL HEALTH PROFESSIONAL" **MEANS:**

6 (a) A PSYCHOLOGIST, A SOCIAL WORKER, A MARRIAGE AND FAMILY
7 THERAPIST, A LICENSED PROFESSIONAL COUNSELOR, AN UNLICENSED
8 PSYCHOTHERAPIST, OR AN ADDICTION COUNSELOR LICENSED, REGISTERED,
9 CERTIFIED, OR OTHERWISE REGULATED PURSUANT TO ARTICLE 245 OF
10 TITLE 12; OR

11 (b) A PSYCHOLOGIST CANDIDATE, A CLINICAL SOCIAL WORKER
12 CANDIDATE, A MARRIAGE AND FAMILY THERAPIST CANDIDATE, A LICENSED
13 PROFESSIONAL COUNSELOR CANDIDATE, OR AN ADDICTION COUNSELOR
14 CANDIDATE REGISTERED PURSUANT TO SECTION 12-245-304 (3),
15 12-245-404 (4), 12-245-504 (4), 12-245-604 (4), OR 12-245-804 (3.7),
16 RESPECTIVELY.

17 **SECTION 2.** In Colorado Revised Statutes, 25-4-405, **amend** (1)
18 as follows:

19 **25-4-405. Reporting requirements - immunity.** (1) (a) In
20 accordance with ~~the provisions of~~ sections 12-240-139, 25-1-122,
21 25-4-404, and 25-4-406, AND EXCEPT AS PROVIDED IN SUBSECTION (1)(b)
22 OF THIS SECTION, for every individual known to the person or entity to
23 have a diagnosis of a sexually transmitted infection or TO have a positive
24 test for a sexually transmitted infection, the following persons and entities

1 shall report any information required by rule of the state board to the state
2 department or local public health agency, in a form and within a time
3 period designated by rule of the state board:

4 (a) (I) Every health-care provider in the state;

5 (b) (II) Persons who test, diagnose, or treat sexually transmitted
6 infections in a hospital, clinic, correctional institution, community-based
7 organization, nonclinical setting, or other private or public institution; or

8 (c) (III) A laboratory or a person performing a test for a case of a
9 sexually transmitted infection.

10 (b) THE REPORTING REQUIREMENT SPECIFIED IN SUBSECTION (1)(a)
11 OF THIS SECTION DOES NOT APPLY TO A MENTAL HEALTH PROFESSIONAL
12 WHO IS NOT ENGAGED IN TESTING A PATIENT FOR, DIAGNOSING A PATIENT
13 WITH, OR TREATING A PATIENT WITH A SEXUALLY TRANSMITTED
14 INFECTION, REGARDLESS OF WHETHER THE MENTAL HEALTH
15 PROFESSIONAL KNOWS THE PATIENT HAS A SEXUALLY TRANSMITTED
16 INFECTION.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2024 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.